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3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 MICHAEL PETER SIMONSON,)

11 Defendant.)

Case No. CR04-0072-JCC

**PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED
VIOLATIONS OF SUPERVISED
RELEASE**

12 INTRODUCTION

13 I conducted a hearing on alleged violations of supervised release in this case on August 28,
14 2008. The defendant appeared pursuant to an arrest warrant. The United States was represented
15 by Katheryn Frierson, and defendant was represented by Peter Avenia. Also present was U.S.
16 Probation Officer Richard Cowan. The proceedings were digitally recorded.

17 CONVICTION AND SENTENCE

18 Defendant was sentenced on June 18, 2004 by the Honorable John C. Coughenour, for mail
19 fraud. He received a sentence of 57 months of imprisonment and three years of supervised
20 release.

21 PRESENTLY ALLEGED VIOLATIONS AND
22 DEFENDANT'S ADMISSION OF THE VIOLATIONS

23 In a petition dated May 8, 2008, Supervising U.S. Probation Officer Margaret K. Kellow

PROPOSED FINDINGS OF FACT AND
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SUPERVISED RELEASE -1

1 alleged that defendant violated the following conditions of supervised release:

2 1. Failing to report to the probation officer as directed on or about April 17, 2008, in
3 violation of standard condition two.

4 2. Committing the crime of check fraud/forgery in Seattle, Washington, on or about
5 February 24, 2008 to April 2, 2008 in violation of the general condition that defendant not
6 commit a crime.

7 3. Failing to notify the probation officer of defendant's dismissal from employment on or
8 about March 12, 2008, in violation of condition six.

9 4. Failing to notify the probation officer of a change in address, on or about April 7, 2008 in
10 violation of general condition six.

11 After defendant was advised of his right to a hearing and to contest these allegations he
12 admitted violations 1, 2, 3, and 4. Defendant was previously ordered detained and remains in
13 custody.

14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that defendant has violated conditions
16 1, 2, 3, and 4 of his supervised release as alleged above.

17 DATED this 28th day of August, 2008.

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20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
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